SBCivil Writ Petition No.2651/2005

Shiv Bhagwan Rajpurohit
Vs.
State of Rajasthan & Anr.

Date of Order :: 14th September, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. Anand Purohit, for the petitioner.
Mr. Shyam Ladrecha, Addl..Govt.Advocate.

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The Commissioner, Devasthan, under the order dated 9.2.2005 placed the petitioner under suspension on being lodged a criminal case against him under Prevention of Corruption Act, 1988. The petitioner now has placed on record a copy of the order dated 6.6.2006 whereby a decision is taken by Prevention of Corruption Bureau, Jaipur not to prosecute the petitioner under Prevention of Corruption Act, 1988.

It is stated by counsel for the petitioner that once a decision has been taken by the respondents not to prosecute the petitioner then there is no reason to keep the petitioner under suspension. The fact with regard to decision taken under communication dated 6.6.2006 is not denied by the respondents.

From perusal of order dated 9.2.2005 it is clear that the petitioner was placed under suspension solely for the reason that a criminal case was lodged against him under Prevention of Corruption Act, 1988.

Once a decision has been taken not to prosecute the petitioner, the foundation to place the petitioner under suspension does not exist. Accordingly, suspension of the petitioner deserves to be revoked.

In view of it, this petition for writ is disposed of with a direction to the respondents to revoke suspension of the petitioner within a period of 15 days from today. The issue with regard to payment of wages for the period the petitioner remained under suspension shall be decided by the appointing authority after completion of departmental inquiry if the respondents choose to undertake the same against the petitioner as referred in the order dated 9.2.2005 and 6.6.2006.

(GOVIND MATHUR),J.

kkm/ps.